



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 01 2018

CERTIFIED MAIL 70091680000201412005

RETURN RECEIPT REQUESTED

Mr. Jerry Phillips  
Peat Fuel Company  
796 Pearl Davis Road, S.E.  
Ludowici, Georgia 31316

RE: Information Request Letter 308-18-006

Dear Mr. Phillips:

The U.S. Environmental Protection Agency, has learned that a discharge of dredged and/or fill material has occurred in approximately 200 acres of wetlands known as Goose Pond (Site) located at latitude 31.727993° N and longitude -81.644658° W, near the City of Ludowici, Long County, Georgia (See Exhibits A and B of enclosed Information Request). According to the EPA's preliminary investigation, the discharge of dredged and or fill material was associated with a peat mining operation at the Site and was ongoing during the EPA inspection conducted on June 15, 2017.

The purpose of this letter is to evaluate your compliance with the requirements of Section 404 of the Clean Water Act (CWA), 33 U.S.C. § 1344. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that you provide the information set forth in the enclosed Information Request within thirty (30) days of receipt of this letter. The EPA requests that the information be physically mailed to the below address. It should not be sent electronically. Your response should be sent to:

Mr. Joel Strange  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
Marine Regulatory and Wetlands Enforcement Section  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303

All information submitted must be accompanied by the following certification signed by a duly authorized company official:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If you believe that any of the requested information is Confidential Business Information (CBI), you may assert a business confidentiality claim with respect to such information in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.* Please separate documents that you wish to protect as CBI from non-confidential documents. Sending documents claimed as CBI electronically to the EPA is done at the risk of the claimant, as the EPA does not have the capability to encrypt electronic information. The EPA requests that any such information be physically mailed to the address provided. If you do not assert a CBI claim, the EPA may make information submitted under this request available to the public without further notice to you. Additional information regarding the EPA's requirements for demonstrating confidential treatment of information can be found in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.*

The Securities and Exchange Commission (Commission) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist you, the EPA has enclosed a document entitled "Notice of Securities and Exchange Commission Registrants Duty to Disclose Environmental Legal Proceedings."

We have also enclosed a document that provides information for small businesses that may be subject to an EPA enforcement action. This document is for your use and to assist you in understanding the compliance assistance resources and tools available to you.

If you have any questions concerning this matter, please contact Mr. Joel Strange (404) 562-9455, or have your attorney contact Mr. Patrick Johnson at (404) 562-9574.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Ahl for".

Thomas McGill  
Chief

Ocean, Wetlands and Stream Protection Branch

Enclosure

cc: Mr. Shaun Blocker, U.S. Army Corps of Engineers, Savannah District

Ms. Katie Gregory, Georgia EPD, Surface Mining Unit, Atlanta

Mr. Stephen Wiedl, Georgia EPD, Wetlands Unit

## EPA SECTION 308 INFORMATION REQUEST

### Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this information request.
2. Precede each answer with the number of the Question to which it corresponds.
3. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
4. You must provide the information requested even though you may contend that it includes confidential business information (CBI) such as trade secrets. You may, if you desire, assert a CBI claim covering part or all of the information requested, under 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet with the words "trade secret," "proprietary," or "company confidential" stamped or typed on it. Information covered by such claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the regulation set forth above. **If you do not assert a confidentiality claim, when you submit your information to the EPA, the EPA may disclose the information to the public without further notice to you.** You should read the above cited regulations carefully before asserting a CBI claim, since certain categories of information are not properly the subject of such a claim.

### Definitions

The following definitions shall apply to the following words as they appear in the Questions below:

5. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
6. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

9. The term "identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.

10. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

11. The term "Discharge Area" means the wetlands or waterbodies that have been impacted either through filling or dredging in connection with the peat mining operation. More specifically, the Discharge Area is approximately 200 acres and known as Goose Pond, located at latitude 31.727993° N and longitude -81.644658° W, near the City of Ludowici, Long County, Georgia. The Discharge Area is indicated on the enclosed Exhibits A and B.

12. The term "Site" means the parcel or parcels of land on which the Discharge Area is located.

13. The term "Work" means any land clearing activities, ditching, dredging, side casting, road construction, stream crossing construction, mechanical land clearing, piping of streams or filling activities that have occurred in wetlands, waterbodies, or other waters of the United States at the Site since you owned, controlled, or did any Work on the Site.

14. The term "you" and/or Respondent" shall mean Mr. Jerry Phillips, Peat Fuel Company or Organics Products Company, and/or any company, entity, or corporation that has directed work at the Site.

### Questions

Please provide the EPA with the following information or documents pertaining to the Discharge Area identified in Exhibit A:

15. Copies of any deeds, leases, easements, or other documents revealing the ownership interest or interests in the Site.

16. The name and address of any contractor or individual who directed or participated in the Work at the Site.

17. The types of equipment used to carry out the Work, and the names and addresses of the person and/or companies that own and/or operate the equipment.

18. The date upon which Work was commenced and the date upon which the Work was completed or will be completed.

19. The date that mining commenced on the Site and contact information, if it is available, for previous owners and/or operators at the Site.
20. A description of the types of material (including dirt, stumps, trees, ash) that came to rest in the streams (including ephemeral and intermittent), creeks, wetlands and other waters of the United States on the Site as a result of the Work.
21. A description of all Work at the Site performed by the Respondent, or on behalf of the Respondent by its subcontractors or agents that is associated with active mining or in support of active mining including, but not limited to: ditching or water control, road construction, land-clearing, stream crossings, filling, dredging activities, or any related activities.
22. A description of any Work performed at the Site by any entity other than the Respondent, its subcontractors, or agents.
23. A description of the entire scope of activities at the Site including any maps and engineering plans.
24. A description of the condition of the Site before Work commenced.
25. Copies of any on-site environmental assessments that were done on soils, vegetation or hydrology at the Site.
26. Copies of any aerial photographic and topographic survey information on the area contained in your file.
27. Copies of any Federal, State or local permits that may have been received for the Work on the Site, including any surface mining permits issued by the State of Georgia.
28. Your reasons for not obtaining a Federal permit (if you did not do so) under Section 404 of the Clean Water Act prior to commencing the Work at the Site.
29. Plans for any additional land disturbing activities at the Site.
30. Copies of notes regarding any written or verbal communication with Federal, State, or local agencies regarding the Work.
31. The names and activities of all contractors or consultants or other entities that assisted with securing any local, state, or federal permits or easements associated with the Site.
32. Copies of any contracts covering Work at the Site.

33. A description of all best management practices that were used to prevent dirt, debris, and sediment from entering any waterbodies located on the Site.

34. Please identify any other peat mine locations where the Respondent is working or has a business interest or partnership. If such locations exist, please provide copies of any Federal, State, or local permits that may have been received for the work on those sites.

35. Please provide annual production volumes in cubic yards since Respondent commenced Work at the Site.

36. Please provide estimated annual revenue from the Site since Respondent commenced Work at the Site.

37. Please identify the individual or individuals who prepared the responses to this Information Request.

At the end of your response to this information request, please include the following certification:

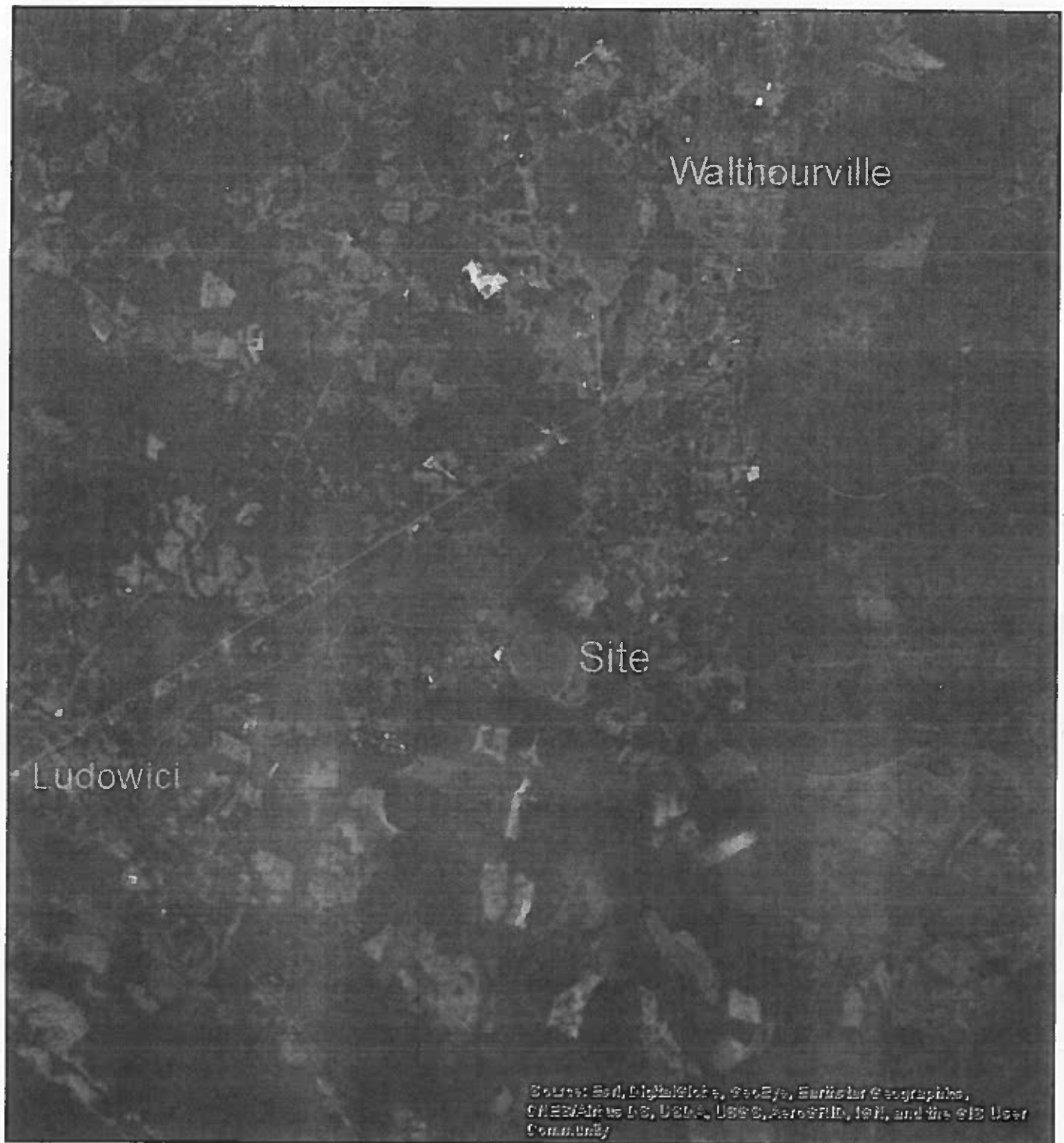
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

---

Name

Title

# Exhibit A



Goose Pond Site  
Long County, Georgia



0 6,500 13,000 26,000 Feet



# Exhibit B



Goose Pond Site  
Long County, Georgia



0 650 1,300 2,600 Feet





7009 1680 0002 0141 2005

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
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Mr. Jerry Phillips  
Peat Fuel Company  
796 Pearl Davis Road, S.E.  
Ludowici, Georgia 31316

PS Form 3800, August 2006

See Reverse for Instructions